



The Challenge and Opportunity of NIMBY



CHAPTER



THE CHALLENGE AND OPPORTUNITY OF NIMBY

BY ED DeBERRI

The so-called NIMBY (Not In My Back Yard) syndrome, and its cousin BANANA (Build Absolutely Nothing Anywhere Near Anything), present both a formidable challenge and a wonderful opportunity to potential developers and operators of Safe Havens. The challenge is obvious: the successful siting of the Safe Haven facility. The opportunity is subtle, but significant: the administration of the project even from its initial planning stages in a way that embodies the core principles of a Safe Haven, namely respect for human dignity, perseverance, and hope.

Most supportive housing projects in general, and Safe Havens in particular, face opposition from NIMBY forces. A 1997 survey of Safe Haven developers found that siting was their chief concern. NIMBY's impact on Safe Havens is consequential. NIMBY can increase costs, cause starting delays of more than six months to a year, and necessitate site changes. In some cases, potential developers have lost funding and had to cancel plans for a Safe Haven due to an inability to site the facility successfully.

This potential adversity, though, can be a blessing in disguise for Safe Haven developers. NIMBY forces developers to plan thoroughly, design the facility and program thoughtfully, educate wisely, and act deliberately. NIMBY necessitates that agency administrators and consultants reach out to and treat their future communities and neighbors in the same way they



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expect their outreach workers to reach out to and treat potential residents: with patience, respect for their dignity, and establishing trust. Safe Haven developers, like Safe Haven line staff, need discipline, perseverance, and a sense of humor. There is more to the analogy. When a resident is in a crisis and is dangerous to self or others, staff can, as a last resort, invoke available provisions of law to effectuate a commitment. So too, when NIMBY forces threaten the very existence of a Safe Haven, project developers can – and should – use every legal means to achieve siting. Every person, no matter how long homeless or how seriously mentally ill, has a basic right to live in a community. Safe Haven developers have both the privilege and responsibility to uphold this right.

Legal means, however, should be a last resort. Most Safe Haven operators have not had to utilize lawsuits or other legal action to site their projects. This chapter sketches seven steps successful Safe Haven siters have taken to open the doors of their programs. Only the last step needs to be taken hand-in-hand with lawyers.

SEVEN STEPS TO ADDRESS NIMBY ISSUES	
1. Know the likely concerns and anticipate potential opposition	
2. Plan thoroughly	
3. In siting and design, keep NIMBY concerns in mind	
4. Community outreach and education	
5. Adopt and implement a “good neighbor” policy	
6. Cultivate and utilize “non-traditional” allies	
7. Develop a legal strategy . . . just in case	

STEP ONE: KNOW THE LIKELY CONCERNS AND ANTICIPATE POTENTIAL OPPOSITION

It is imperative that Safe Haven developers become very familiar with who their potential opponents may be and what arguments, reasoning, and tactics they may employ. Once Safe Haven developers have identified potential sites, they should consult with developers of other supportive or low-income housing projects in these neighborhoods. Developers can learn a great deal from the experience of their predecessors about the individuals and organizations that are likely to oppose the project, what strategy and tactics have worked in the past for developers and what has not, and which persons in the neighborhood are “in the know” and may be counted on for support. As potential opponents are identified, Safe Haven developers can begin to develop plans to address their concerns.

Potential opponents are unique to each given situation; most arguments likely to be expressed in opposition to the siting of a Safe Haven are not. Some are generic to any type of supportive housing, others are geared more to the character of a Safe Haven. The most common reasons that neighbors and other community members have used to object to a Safe Haven are:

- I don’t want a bunch of people who haven’t been able to take care of themselves around my home.
- This Safe Haven won’t be safe for me or my children. These people have mental illnesses, so they are likely to be dangerous.
- This project will lower the value of my property; first a homeless shelter, next this neighborhood will become a ghetto.
- These people will not fit into the neighborhood. Since they are homeless, they will loiter, will be disheveled, will panhandle, and will act antisocially.
- The neighborhood will become overcrowded with all these new people and traffic will increase.
- You say that your funding is guaranteed for only three years. What happens after that? How do I know that you won’t just abandon the place, and then we’ll have to deal with a vacant building?

The majority of these objections contain at least a nugget of legitimate concern. Safe Haven developers must be prepared to address and honor what is legitimate in these arguments while, at the same time, dispelling any fears and misconceptions. The following steps provide some guidance for these tasks.

STEP TWO: PLAN THOROUGHLY

Good planning for a Safe Haven encompasses more than just house rules and transition options. Just as effective planning was necessary for a Safe Haven to be included in a community's Continuum of Care, so it is needed for the Safe Haven to achieve successful siting.

A comprehensive plan for responding to potential NIMBY issues identifies and builds on knowledge of potential supporters and opponents, and their interests and concerns. It features an inclusive community education and outreach strategy (Step Four) and takes into account likely scenarios and possibilities. It outlines the way the Safe Haven developer will secure the support of the media and political leaders. The siting plan is proactive and anticipates and sketches responses to potential objections. The Safe Haven developer should have a well-developed strategy. Every action the developer takes to anticipate and respond to potential NIMBY concerns, including a list of community meetings and a record of telephone calls, should be documented.

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Excellent financial planning is as valuable for addressing NIMBY concerns as it is for a Safe Haven to be included in a Continuum of Care or to operate effectively. Concerns about the financial viability of a Safe Haven are legitimate for both potential residents and potential neighbors. Some supportive housing programs have had to close due to lack of funds, and their closure, in addition to harming the

residents, has also impacted the neighborhood. An unkempt, vacant building is a safety hazard that detracts from a neighborhood's vitality. Safe Haven developers should not depend solely on a Supportive Housing Program grant for Safe Haven financing. They will need to cobble together funding from other sources – and assure the neighbors they are doing so. Some potential funding sources, described more completely in the Continuum of Care chapter, may include PATH funds, Medicaid reimbursements, state mental health or housing funding, Community Reinvestment Act contributions from financial institutions, and grants from local Business Improvement Districts to name a few potential sources.

STEP THREE: IN SITING AND DESIGN, KEEP NIMBY CONCERNS IN MIND

In the previous chapter, David Porterfield describes how a Safe Haven can be designed to promote resident dignity and support the objective of a successful transition. The design of a Safe Haven can also anticipate and respond to NIMBY-related concerns.

In choosing a site, the Safe Haven developer must understand and be prepared to address every relevant licensing requirement and zoning regulation. One way to deal with these requirements is to avoid them. The developer of a Safe Haven in Eugene, Oregon, chose to locate the facility in an unincorporated area where many of these requirements do not exist. Developers of Safe Havens in Milwaukee, Wisconsin, and Montgomery County, Maryland, chose to develop lower density, scattered site programs in which many prohibitive zoning regulations were inapplicable. Since zoning regulations are an arrow in many a NIMBY quiver, these developers used a tactic that rendered the regulations moot.

Landscaping and other outdoor design features can allay fears (most of which are stereotypical and unfounded) about residents being a visual detraction in the neighborhood. By the very nature of a Safe Haven, residents would have no reason to wait in line or loiter. Many Safe Haven residents do, though, like to exercise, recreate, or smoke outside. An attractive courtyard or backyard, landscaped in such a way to enhance resident privacy and comfort, will not disrupt a neighborhood. A well-designed and maintained entrance will boost resident self-esteem and not diminish property values.

The Safe Haven in Springfield, Massachusetts, is located in an historic building that was once the jewel of its neighborhood. When the Safe Haven developers acquired it, the building had become run down. The developers were able to restore its beauty, thus enhancing the neighborhood.

A final design-related NIMBY caution is for developers to consider what they call these projects. By calling the “drop-in center” an “activity center,” Safe Haven developers in Honolulu changed the connotation of the program (without altering its essence), and alleviated many potential concerns.

STEP FOUR: OUTREACH TO AND EDUCATE THE COMMUNITY

Community outreach and education is critical. This step gives the Safe Haven developer the opportunity to be proactive, establish credibility, and listen to and address community concerns. If a developer reaches out and educates effectively, then the NIMBY concerns should be addressed and the Safe Haven should be sited.

The first stage in outreach and education is with the immediate neighbors of the proposed Safe Haven site. The developers will need to spend a great deal of time with these neighbors, getting to know their interests and concerns, and helping the neighbors to learn about their mission and the programs they operate. Taking the neighbors on a tour of the other programs they operate and introducing them to the neighbors of these sites can be very effective. Providing the neighbors with a contact person who will be immediately responsive to expressed concerns is also very important. Instituting a “Good Neighbor Policy” (see Step Five) is another effective action.

Once the immediate neighbors have agreed to work with (or at least not oppose) the developers, they can proceed with the next stage which includes distributing a community education packet, forming a neighborhood advisory council, and holding a series of community meetings in the neighborhood. The education packet would include material which illustrates the experience of the Safe Haven developer (and operator, if two different organizations), describes the Safe Haven philosophy and program, outlines the good neighbor

policy, and defuses likely NIMBY concerns. The packet should be professional, easy-to-read, and invite neighbors and community members to become involved in the Safe Haven.

A well-designed, well-planned Safe Haven that offers an excellent low-demand program and features qualified staff will not lower property values.

Several Safe Havens have found that forming a Neighborhood or Community Advisory Council has been beneficial in achieving siting. This council is composed of neighborhood leaders, church members, local merchants, and other interested parties. Such a council not only lines up support for the Safe Haven, it also provides an excellent mechanism for the Safe Haven developer to remain aware of neighborhood opinion. A council enables the developer to learn which rumors, if any, may be circulating about the Safe Haven and what may be the most effective ways to dispel them. The council can become the ears of the Safe Haven.

Another facet of community education and outreach is neighborhood or community meetings. Veterans of siting battles advise Safe Haven developers to schedule a series of meetings with an established agenda for the series set in advance. A Safe Haven in Chicago found a series of meetings to be essential. A series allowed both the neighborhood and the developers to commit to working together over a period of time. It demonstrated the intention of the developers to take the concerns of the community seriously and to respond to them. In the first two meetings, the neighbors were able to express their fears and concerns. The developers were able to listen and respond, and their responsiveness enabled the development of enough of a relationship and the creation of sufficient trust for the neighbors to work with them in a non-adversarial way. The developers report that the series of meetings was difficult and time-consuming and the relationship was and is by no means perfect, but without the meetings the Safe Haven probably would not be open.

Two additional approaches that Safe Haven developers have found helpful are having mental health consumers and family members with ties to the neighborhood voluntarily speak to concerned individuals or groups. This interaction, which has to be completely voluntary on the part of the consumer or family member, can personalize the Safe Haven, debunk stigma, and defuse tension. A local National Association of Mental Illness chapter, or other family or consumer group, might serve as a resource.

The other approach is for Safe Haven developers to address from the beginning the myth of lower property values. Several studies have found that only in approximately one of every 15 cases does a supportive housing project lower property values in a neighborhood (see *Building Inclusive Community* in the Additional Resources section at the end of this chapter). A well-designed, well-planned Safe Haven that offers an excellent low-demand program and features qualified staff will not lower property values.

STEP FIVE: ADOPT AND IMPLEMENT A “GOOD NEIGHBOR” POLICY

It is essential for both good relationships and the integrity of the Safe Haven itself that project developers honor the legitimate concerns of future neighbors and the community. Having fears about a Safe Haven does not necessarily make a neighbor a Grinch or a Scrooge. In many cases, and for a variety of reasons, low income or supportive housing projects have not been an asset to a neighborhood or community.

The first element of a “Good Neighbor” policy is having a designated staff contact who will respond promptly to legitimate concerns, both during siting and after move-in. This contact can help to establish developer credibility. A second element is for staff (and residents if it would be helpful to the residents) to maintain the property by making sure that any litter is picked up, the sidewalks swept, snow removed promptly, and the facility is kept attractive. Good neighbors also do things such as take out the trash of elderly neighbors and watch the property of neighbors who are away on vacation. A final element is for Safe Haven staff to participate in neighborhood associations and attend neighborhood meetings. In these ways, Safe Havens will continue to engender trust and establish credibility.

The Safe Haven in Burlington, Vermont, was a good neighbor by having an open house for neighbors the weekend before its first residents moved in. Having the neighbors over for cake and punch gave them the opportunity to meet the program staff and took some of the mystery out of what would go on in the building.

STEP SIX: CULTIVATE AND UTILIZE “NONTRADITIONAL” ALLIES

Several Safe Havens have found significant support in their siting quests from sources that have not usually championed agencies that offer services to people who are homeless and who have serious mental illnesses. These sources include downtown merchants and others in the business community, realtors, and the police. Cultivating relationships with these entities in the planning and community outreach stages (and continuing them in the operational stage) can ease Safe Haven siting and enhance the program itself.

The Safe Haven in San Diego formed a close relationship with the local business community. Developers achieved this support by explaining how the Safe Haven would be able to offer assistance to the population about whom the businesses were most concerned. Developers in Honolulu used testimony from political and business leaders in Santa Monica, California, to convince their own political and business leaders to support the Safe Haven. A realtor in Parkersburg, West Virginia, provided significant assistance to the developers there in finding a location for their Safe Haven and easing community concerns about possible negative impact. In each of these three cases, these nontraditional alliances proved decisive in the successful siting of the Safe Haven.

STEP SEVEN: DEVELOP A LEGAL STRATEGY . . . JUST IN CASE

Unfortunately, there have been instances in which Safe Haven developers have found that a competent attorney is just as important to a program’s success as a visionary executive director, a caring outreach worker, or a skilled case manager. While legal difficulties do not arise in every instance, Safe Haven developers would be prudent to involve lawyers from the beginning to develop a legal component to the siting strategy. These means are utilized only as a last resort, in some cases they have proven necessary.

While much of the legal and litigation strategies focus on state and local laws and regulations and the unique situation of the Safe Haven to be sited, two federal laws may be applicable. The Fair Housing Act and the American with Disabilities Act have been used successfully by proponents of supportive housing to repel NIMBY forces and achieve site control. Citing provisions in one or the other piece of legislation, various courts have found NIMBY-inspired zoning regulations to be discriminatory. For more information on applicable case law, readers may contact the Bazelon Center for Mental Health Law [(202) 467-5730], the National Law Center on Homelessness and Poverty [(202) 638-2535], or HomeBase [(415) 788-7961].

Siting a Safe Haven facility can be even more challenging than operating a Safe Haven. Frequently, NIMBY-inspired forces will be present, and occasionally they will be especially persistent and aggressive. Developers can take heart that dozens of Safe Havens, through comprehensive planning and effective community outreach, have been sited in every region of the United States. Safe Haven developers can learn from these successes. Anticipating and responding to NIMBY is essential. Safe Havens are an exceptionally effective way of reaching some of our most vulnerable citizens. Project developers owe their potential residents their wisest and most dedicated effort.

FOR ADDITIONAL INFORMATION:

Advisory Commission on Regulatory Barriers to Affordable Housing. "Not in My Back Yard: Removing Barriers to Affordable Housing." Washington, D.C., 1991.

Beggs, M. OK In My Backyard: Issues and Rights in Housing for the Mentally Ill. San Francisco, CA: San Francisco Study Center, 1993.

HomeBase. "Building Inclusive Community: Tools to Create Support for Affordable Housing." San Francisco, CA, 1996.